(73)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक Cr M.P. No. 179/06 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

SB: HON'BLE SHRI DHIRENDRA MISHRA, J.

PETITIONER Ashok Kumar Sahu, aged about 25 years, Son of Shri Ramkishan Sahu, Resident of Village Kurmipara, Bemetara, Police Station and Tahsil Bemetara, District Durg (C.G.)

Vs.

RESPONDENT Smt. Shakun Bai Sahu, wife of Shri Ashok Kumar Sahu, aged about 25 years, presently residing at Village Sarda, Police Station Berla, District Durg (C.G.)

5-9-2007

Shri P.P. Sahu, Advocate for the petitioner.

Shri Vaibhav Govardhan, Advocate for the respondent.

The petitioner by the instant petition has impugned the order dated 14th November, 2005 passed in Criminal Revision No. 208/2005 filed by the husband and Criminal Revision No. 129/2005 filed by the wife whereby the revisions have been rejected and the amount of maintenance at the rate of Rs. 500/- per month awarded to the wife by the trial Court has been upheld.

Learned counsel for the applicant submits that the orders passed by both the Courts below are perverse as both the Courts below have not considered the fact that the non-applicant-wife is living separately without any just and sufficient cause and further that the non-applicant has sufficient means of livelihood as she has admitted that she has purchased a plot and is constructing a house over the same. He further submits that the non-applicant wife has not been able to prove that the applicant has contracted second marriage, however the Courts below on the basis of the marriage card and voter list produced by the non-applicant have arrived to

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the conclusion that the applicant has contracted second marriage with a lady namely Kesharbai @ Mohni Bai.

On the other hand, learned counsel for the non-applicant wife has submitted that both the Courts below after due appreciation of documentary and oral evidence available on record, have recorded a concurrent finding of fact that the applicant has neglected to maintain his wife who is unable to maintain herself and the applicant is possessed of sufficient means to maintain his wife.

I have heard the learned counsel for the parties. I have perused the record.

In the opinion of this Court, the finding recorded by both the Courts below is based on proper appreciation of the evidence available on record and the same does not call for any interference in exercise of the jurisdiction vested under Section 482 of Cr.P.C.

The petition being devoid of substance is liable to be dismissed and it is dismissed.

Sd/-
DHIRENDRA MISHRA
Judge